

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 51173

Walter Jones
Yvonne Jones

4722 Duncannon Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 16, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 428; Baltimore County Code (BCC) section 13-7-310, (BCZR) section 1B01.1D; (BCC) section 35-5-302, 13-7-401, failure to license or remove unlicensed vehicle on premises, failure to clear premises of all trash/debris, failure to cut and maintain all grass on residential property zoned DR 5.5 known as 4722 Duncannon Road, 21208.

On June 1, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$31,200.00 (thirty one thousand two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued April 24, 2009 for removal of open dump/junkyard and unsanitary conditions, storage of garbage in trash cans, cut grass and weeds, removal of untagged or inoperative motor vehicles, and repair of front window. Multiple Citations have been issued and enforced for repair of the open front window, most recently a \$750.00 civil penalty in March 2009 after Respondents failed to make repairs ordered in a February 11, 2009 Final Order. This Citation was issued on June 1, 2009.

B. Photographs in the file show bagged garbage overflowing in open cans and on the ground. This violates requirements for proper storage of garbage in cans with tight-fitting lids and violates prohibitions against conditions conducive to rat harborage. Also, notes in the file indicate that Respondents are not taking the garbage to the curb for weekly pickup. Respondents are required to store rubbish and garbage in a clean and sanitary manner in trash receptacles for disposal on designated collection days so that it does not pose a threat to the health, safety or welfare of the occupants or immediate neighbors. Baltimore County Code Section 35-5-302(a). This Order will authorize the County to enter the property and remove trash, debris and garbage, in case Respondents continue to neglect their responsibility to bring garbage to the curb for pickup.

C. Photographs in the file show a red Suzuki vehicle without tags. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents must either put valid tags on this vehicle or remove it.

D. The missing front window is still unrepaired. Civil penalties of \$500.00 (lien created December 30, 2008) and \$750.00 (lien created March 9, 2009) have already been imposed for failure to repair this window. Respondents are required by law to maintain windows and the frames of all windows in good repair, in a structurally sound condition. BCC Section 35-5-302(b)(6).

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that Baltimore County may enter the property for the purpose of removing junk, trash, debris, and garbage, at the expense of the property owner.

IT IS FURTHER ORDERED that after July 22, 2009, Baltimore County may enter the property for the purpose of removing the untagged red Suzuki vehicle, at the expense of the property owner.

IT IS FURTHER ORDERED that Baltimore County may enter the property for the purpose of replacing or repairing the missing front window, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 7th day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer